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**\*\*\* ORDER \*\*\***

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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DVL, INC. and DVL KEARNY:  
HOLDINGS, LLC,

Plaintiffs,

v.

CONGOLEUM CORPORATION and  
BATH IRON WORKS CORPORATION,

Defendants.

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Civil Action No. 17-4261 (KM) (JBC)

**STIPULATION OF DISMISSAL WITH  
PREJUDICE OF CONGOLEUM  
CORPORATION'S CROSS-CLAIMS  
AGAINST BATH IRON WORKS  
CORPORATION PURSUANT TO  
FEDERAL RULES OF CIVIL  
PROCEDURE 41(a)(1)(A)(ii) & 41(c)**

**STIPULATION OF DISMISSAL OF CONGOLEUM CORPORATION’S CROSS-  
CLAIMS AGAINST BATH IRON WORKS CORPORATION PURSUANT  
TO FEDERAL RULES OF CIVIL PROCEDURE 41(a)(1)(A)(ii) & 41(c)**

The parties, DVL, Inc. and DVL Kearny Holdings, LLC (collectively “DVL”), Bath Iron Works Corporation (“BIW”), and Congoleum Corporation (“Congoleum”), respectfully submit this Joint Stipulation for Dismissal. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) & 41(c), and in light of the United States Bankruptcy Court for the District of New Jersey’s ruling in *Bath Iron Works Corp. v. Congoleum Corp.*, No. 20-01439 (MBK) (Bankr. N.J.), Dkt. No. 68 (reported at 2021 Bankr. LEXIS 982), the parties stipulate that Congoleum’s Cross-Claims Against BIW are dismissed with prejudice. Congoleum also stipulates that it will not argue directly or indirectly, in any claim or defense, that BIW is the successor to Congoleum’s Flooring Business or otherwise responsible for the damages allegedly suffered by DVL in the above captioned action. This Joint Stipulation of Dismissal is without prejudice to any and all other claims and defenses of Congoleum against DVL and any and all other claims and defenses of BIW and DVL.

DVL consents to this joint stipulation so that the parties may file under Rule 41(a)(1)(A) and dismiss Congoleum’s Cross-Claims Against BIW; however, it expressly reserves all rights, including as to the meaning and significance of the above stipulations reached between Congoleum and BIW and the bankruptcy court’s ruling.

Dated: June 8, 2021

Respectfully submitted,

/s/ Anthony R. Twardowski

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**SO ORDERED.**

**s/Kevin McNulty**  
**Hon. Kevin McNulty**  
**U.S. District Judge**  
**Date: 6/9/2021**